

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC, 20554

In the Matter of)
Creation of a Low) MB Docket No. 99-25
Power Radio)
Service)

We the undersigned represent 7 mutually exclusive LPFM applicants which have been awarded construction permits for 99.1 in Madison WI as part of an imposed settlement. We think our experience gives us an unique insight into how both the existing and proposed rules work in a community where many organizations would like to broadcast.

We strongly support any actions the Federal Communications Commission can take to expand and support the Low Power FM radio service.

1. Time-Sharing

If mutually exclusive applicants have the same point total, any two or more of the tied applicants may propose to share use of the frequency by submitting a time-share proposal within 30 days of the release of a public notice announcing the tie.

We would argue that 30 days may not afford sufficient time for two or more organizations to prepare a time-share proposal for the Commission's consideration. In many cases, the boards of directors only meet once a month. At a minimum boards will often need to meet once to create and instruct a negotiation committee and then meet a second time to approve the result of these negotiations. If the negotiations are difficult, or the timing of the board meetings for the organizations is unfortunate, several months may elapse before an agreement is achieved.

Some other commentators have suggested that an appropriate window for time-share proposals would be 90 days. While this would be a significant improvement, even 90 days may be too short a time

period for significant negotiations to be approved by all the appropriate boards. In many cases numerous issues will need to be resolved to reach accord. In our case, negotiations went very smoothly and without conflict, but given the complexity of our circumstance we were not able to meet the deadline even though we did eventually develop a viable time-share proposal agreed upon by all parties.

2. Renewable licenses.

Secondly, we strongly urge the FCC to allow renewable license terms regardless of whether a LPFM license time-sharing circumstance is voluntary or involuntary and to continue to accept unanimous agreements from the parties. Currently, the FCC has determined not to extend a renewal expectancy to licenses granted under certain tie-breaker procedures. In our case, although we were not able to agree on an unanimous time-sharing agreement by the specified deadline. Once all the groups had received their construction permits a time-sharing agreement was universally endorsed.

Our group of license holders firmly believes that the public interest would be better served by permitting the renewal of viable time-share arrangements, regardless of whether they are voluntary or involuntary. The investment, both of time and of money, necessary to turn these construction permits into community resources is difficult if funders and volunteers do not believe in their creations will continue. At the same time, the mutually exclusive permits need to have some flexibility as they try to accommodate each other. Accordingly, we urge the FCC to permit renewable licenses granted under either voluntary or involuntary time-sharing agreements. Regularly scheduling filing windows to allow the license holders to adjust their joint tenancy (see item 5 below) would also be beneficial.

3. Relaxing restrictions on alterations of Low Power station boards.

Between the filing of the applications and the granting of construction permits several of our organizations have undergone either structural changes or substantial changes in membership of

their boards of directors. In all cases, commitment to low power radio has survived. We would support rules that recognize these structural and personnel changes in nonprofits while continuing to protect the service from commercial speculators. We would strongly oppose any new rules allowing low power stations to be sold.

4. Curtail applications for translators or give low power stations Primary Status.

With seven quite varied organizations applying for one frequency in Madison it is clear that there is more demand for frequencies than there are frequencies available. We strongly believe that local voices will be more beneficial to a community than the content that is created without knowledge or interest in local conditions. In our community we already have a large number of high power radio stations that syndicate national content and the options for national programming is expanding even more with the advent of satellite radio. Allowing more national programming at the expense of local content would be to eliminate the one option that national programming cannot provide. One method of accomplishing this community objective is to give low power stations Primary Status so that they will have regulatory precedence over translators.

5. Regular scheduling of filing windows.

Some types of amendments can only be filed during relatively brief filing windows. But the future availability of these windows is not currently available. In complex cases, such as ours, where we are learning to work together, adjustments are important. Not only are the organizations themselves evolving (particularly in their use of radio) but the relationships between the organizations are also evolving. Having a firm schedule of opportunities to adjust our applications and time-sharing agreements would facilitate our learning to work together.

Sincerely,
Warren Keapproth

